

**JUDICIAL COUNCILS REFORM CONDUCT AND DISABILITY ACT
JUDICIAL MISCONDUCT COMPLAINT UNDER 28 U.S.C. §§ 351–364¹
AGAINST THE PRESIDING JUDGE AND CHIEF EXECUTIVE OFFICER OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES**

Filing Number: 32

Date: September 15, 2019 (Initial filing Date: February 13, 2019)

1. Name and Address of Claimant: Manuel P. Asensio (“Claimant”), 641 Lexington Avenue, Suite 1533, New York, NY 10022, (212) 702-8801; mpa@asensio.com

The Claimant is a father. He is acting to protect his daughter, New Yorkers and the American people from the Hon. John G. Roberts Jr.’s use of his housekeeping authority² at the US Judicial Conference prejudicial, unauthorized and impermissible federal domestic relations and domestic violence policies and rules. Respondent Roberts Jr. fabricated these rules under the cover of his so-called “domestic relations [and domestic violence] exception to federal subject matter jurisdiction” (DRE). Under the DRE, Chief Justice Robert Jr. has entered into agreements³ with New York State Chief Judge Janet Marie DiFiore⁴ that allow her to operate a corrupt state domestic relations and domestic violence judicial process. The Claimant conducted an investigation of over 120 senior New York state officials⁵ and filed the evidence against Judge DiFiore and Respondent Roberts Jr. in two federal civil rights titled *Asensio et al. v. DiFiore et al.*, 18 CV-10933 [Judge

1. 96th Congress: “An Act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges.” The Act authorizes any person to file a complaint alleging that a federal judge has engaged in conduct “prejudicial to the effective and expeditious administration of the business of the courts.” The rules governing this law’s administration were codified in 2008 in Title 28 of the US Code Chapter 16 Sections 351–364. This complaint involves an investigation of the chief justice’s unauthorized conduct at the Judicial Conference for the purpose of allowing fraudulent federal judicial conduct under cover of the so-called “domestic relations exception to federal subject matter jurisdiction.”

2. These are rules that are sole and exclusive allowed to manage the internal operation of the state judiciary and cannot have any impact outside the four walls of the courthouse. Judge DiFiore has used the agreement between Respondent Roberts Jr. and Judges Katzmman and McMahon to fraudulently and knowingly abrogate America’s most important rights in the most important area of liberty and freedom, New York domestic relations processes.

3. See direct incontrovertible evidence filed in the Judicial against five federal judges including the Chief Justice. In an attempt to avoid reporting the complaints from Congress, Chief Justice Roberts Jr., James C. Duff, director of the Judicial Conference, Katherine H. Simon, Office of Judicial Conference Secretariat and the Chief Judge of the Second Circuit, and the members of the Judicial Council for the Second Circuit have deliberately failed to docket three of the five complaints and to identify the individual federal judges related to each to the complaints.

4. The Movant refers to New York State Chief Justice Janet Marie DiFiore as a judge, not a justice in the *Asensio v. DiFiore* and *Asensio v. Roberts* cases and the related federal judicial conduct complaints. Only the Chief Justice of the US Supreme Court who is also the Presiding Judge and Chief Executive Officer of the US Judicial Conference, the Honorable John G. Roberts Jr. is a justice in these matters.

5. See Annex 1 to this complaint that includes a copy of the first paragraph of the Complainant’s civil rights complaint.

Ronnie Abrams⁶] and *Asensio et al. v. Roberts et al.*, 19 CV-03384 [Judge Katherine Polk Failla] (DRE Cases).

2. Place of Filing: James C. Duff, Director, and Lee Ann Bennett, Deputy Director, of the Administrative Office of the United States Courts, 202-502-2600; and Katherine H. Simon, Office of Judicial Conference Secretariat, 202-502-2400, One Columbus Circle, NE Washington, DC 20544

3. Purpose of this Filing: To file a copy of the Complainant's Motion entered under Federal Rules of Civil Procedure ("F.R.C.P.") [9\(b\)](#), [\(d\)\(e\)](#) and [\(g\)](#) [28 U.S.C.A.](#) and Memorandum of Law dated September 13, 2019 to Compel the Hon. Ronnie Abrams to withdraw or vacate her Opinion & Order and recuse herself that is also dated September 13, 2019.

This number 32 in Judicial Conduct complaint docket numbered 02-19-90052-jm and 02-19-90053-jm with the Judicial Council of the Second Circuit and the US Judicial Conference.

The introduction found on page 2 of the motion states the following:

The US States and their judges have no right to stick their noses "in[to] the domestic relations of society . . . [and] with a kind of inquisitorial authority, enter the habitations and even into the chambers and nurseries of private families, and inquire into and pronounce upon the morals and habits and affections or antipathies of the members of every household" . . . such actions "cannot be recognized as sources of authority by the courts of the United States. The origin and the extent of their jurisdiction must be sought in the laws of the United States"

Barber v. Barber, 62 U.S. 582 [1858]

"The Plaintiff files this legal brief and affidavit under the Rules of Civil Procedure ("F.R.C.P.") [9\(b\)](#), [\(d\)\(e\)](#) and [\(g\)](#) [28 U.S.C.A.](#) in direct response to the Hon. Judge Ronnie Abrams' filing of a fabrication of a fictitious and unauthorized entering of a paper in this case on this date the 13th of 2019 that she is pretending to be an authorized judicial act. It is not.⁷ Her so-called "Opinion and Order" is really a continuation of her scheme to protect Hon. John Glover Roberts, Jr.'s deliberate

6. This complaint contains *in flagrante delicto* incontrovertible incriminating direct evidence proving beyond reasonable doubt that Judge Abrams fabricated a fictitious unauthorized official federal court document containing false information for Judge DiFiore to use to defend herself in the *New York Daily News* and that Judge Abrams has fabricated unauthorized process to protect Judge DiFiore against the allegations contained in *Asensio v. DiFiore*. Together, Judges Abrams and DiFiore fabricated a fanciful story that appeared in the *New York Daily News* on Monday, January 1, 2019.

⁷ See Legal Authorities memorandum dated September 13, 2019 filing in support of this motion.

and malicious use of his housekeeping authority⁸ and strictly ministerial powers⁹ and violation of Rule 1 the most important federal statute to America's constitutional democracy¹⁰. Judge Abrams' is also acting to protect Chief Justice Roberts Jr.'s unauthorized use of his power as Presiding Judge and Chief Executive Officer of the US Judicial Conference that is strictly limited by 28 U.S.C. §2072(b) to be used only for housekeeping purposes and not to "abridge, enlarge or modify any substantive right" against New Yorkers' fundamental liberty interest and the domestic relations exception to federal subject matter jurisdiction ("DRE")¹¹ and to protect the Defendants from answering this complaint, discovery and being subjected to questioning by the Plaintiffs before a federal jury."

4. Name of Subject Judge and Principal Charge: The Hon. John G. Roberts Jr. (Respondent Roberts Jr.) is the subject judge.

On or before September 13, 2019, Respondent Roberts Jr. granted Judge Abrams¹² the authority to enter a fictitious and fraudulent dismissal of the Asensio v. DiFiore complaint to avoid reporting on this complaint to the US Congress. Further, Respondent Roberts Jr. authorized the dismissal to avoid dealing with conflict in New York State Supreme Court between his conduct and the state actions.

8. These rules are solely and exclusively allowed to manage the internal operation of the state judiciary and cannot have any impact outside the four walls of the courthouse. Judge DiFiore has used agreements with Chief Justice Roberts Jr. and Judges Katzmah and McMahon to fraudulently and knowingly abrogate New Yorkers' most important rights in the most important area of liberty and freedom, New York domestic relations processes.

9. These are rules that are sole and exclusive allowed to manage the internal operation of the state judiciary and cannot have any impact outside the four walls of the courthouse. Judge DiFiore has used the agreement between Respondent Roberts Jr. and Judges Katzmah and McMahon to fraudulently and knowingly abrogate America's most important rights in the most important area of liberty and freedom, New York domestic relations processes.

¹⁰. Rule 1 that governs the ethos of the scope and purpose of the US Courts. These rules are drawn under the authority of the act of June 19, 1934, U.S.C., Title 28, §723b (Rules in actions at law; Supreme Court authorized to make) and §723c [see 2072] (Union of equity and action at law rules; power of Supreme Court) and also other grants of rulemaking power to the Court. Also, the Rules Enabling Act of 1934 28 U.S.C. § 2072 (2006).

¹¹ Exactly like the federal judges have done, Judge DiFiore used ministerial powers to act without authority in New York State against parents' civil rights in order to take New Yorkers' parenting rights. Ministerial powers are limited to "the power to regulate the practice of law, deal with matters of court budget, administer courtroom facilities and personnel, control court records and files, calendar cases and dismiss actions for non-prosecution, and establish substantive, evidentiary, and procedural rules to resolve disputes between parties." Supervisory Power of the New York Courts, Bennett L. Gershman Pace Law Review April 1994.

12. Judge Abrams is notorious for entering a highly questionable judgment notwithstanding jury verdict in a criminal case against Devon Archer. Mr. Archer is alleged to have used his business association with former Vice Joe Biden's son, Hunter Biden, and former US Senator and Secretary of State John Kerry's stepson, Chris Heinz, in connection with the case. Notwithstanding, Judge Abrams' order the US government is continuing to prosecute the case against Mr. Archer.

The complaint deals with Respondent Roberts Jr. unauthorized lobbying of the US Congress in favor of the DRE and fabrication of unauthorized rules under the DRE that allow criminal conduct by both state and federal trial courts and state and federal appeal courts in domestic relations and domestic violence cases.

There is no more substantial right than the right to be free from the Chief Justice fabricating unauthorized rules that allow state judges to collude with private parties to fabricate false criminal charges and unauthorized procedures to take constitutional unilateral,¹³ most precious, and substantial rights in New York State and in New York Federal courts. These are rights that cannot be adjudicated using neutral principles. This is especially true in domestic relations and domestic violence cases that harm innocent children's basic political beliefs.¹⁴ Fabricating policies that allow state judges to profit from colluding with one parent against another in domestic relations and domestic violence cases is a high criminal act of treason against America's constitutional democracy and an act of criminal interference to American's most substantial rights, liberties and freedom. Those are the speech and liberty rights of a parent to speak to their child on political, religious, moral, sexual conduct, the role of the sexes, drug use and other matters without any government interference. The right to raise children to learn how about America's history and democracy and voting without government interference.

Respondent Roberts Jr. authorized Judge Abrams' dismissal action in order to conceal his wrongdoings from Congress. His wrongdoings constitute deliberate violations of all seven steps of the Federal Rules of Civil Procedure¹⁵ and Rule 1 of the US Federal Rules of Civil Procedure¹⁶

13. Unilateral rights are those that are entirely under the individual's sole discretion and control, free from any possible government regulation. Individuals have the unique power to exercise these rights that do not impose on any other person's rights or property. These are matters that cannot be judged through neutral principles.

14. U.S. District Judge Arenda Wright Allen ruled that the State of Virginia had harmed a former student, Gavin Grimm, who was not provided with a transgender bathroom. Here Respondent Roberts, Jr. has directly and maliciously caused real grave harm to Americans that are not requesting any government act or imposed themselves on any one's rights.

15. There are seven steps for drafting and amending the Civil Rules: (i) the Advisory Committee on the Federal Rules of Civil Procedure drafts the rules; (ii) the Standing Committee on the Federal Rules of Practice and Procedure approves the rules and sends them out for public comment; (iii) the Civil Rules Committee reviews the public response and revises the rules if necessary; (iv) the Standing Committee reviews the rules and approves them; (v) the United States Judicial Conference approves the rules; (vi) the Supreme Court does the same; and (vii) Congress acts to defeat or postpone the proposals or does nothing, and the rules become law. Peter G. McCabe, *Renewal of the Federal Rulemaking Process*, 44 AM. U. L. REV. 1655, 1663–75 (1995); see also Federal Rulemaking, <http://www.uscourts.gov/rules/proceduresum.htm> (last visited Apr. 16, 2009). The process generally takes three years from start to finish. See McCabe, *supra*, at 1673. I will refer to the Advisory Committee on the Federal Rules of Civil Procedure as the "Civil Rules Committee" or the "Committee," the Standing Committee on the Federal Rules of Practice and Procedure as the "Standing Committee," and the United States Judicial Conference as the "Judicial Conference" or the "Conference." *Recovering Access: Rethinking the Structure of Federal Civil Rulemaking* Seattle University School of Law Legal Studies Paper Series 10:03 Published in New Mexico Law Review (Spring 2009)

16. Rule 1 that governs the ethos of the scope and purpose of the US Courts. These rules are drawn under the authority of the act of June 19, 1934, U.S.C., Title 28, §723b (Rules in actions at law; Supreme Court authorized to make) and §723c [see 2072] (Union of equity and action at law rules; power of Supreme Court) and also other grants of rulemaking power to the Court. Also, the Rules Enabling Act of 1934 28 U.S.C. § 2072 (2006).

requiring him to secure “the just, speedy, and inexpensive determination” of the Claimant’s DRE Cases, and federal statute 28 U.S.C. §2072(b). His unauthorized acts are designed to allow judges to act outside of judicial jurisdiction.¹⁷ In this case, Respondent Roberts Jr. is allowing Judges Katzmann, McMahon and Abrams to fabricate unauthorized procedure to protect and to work with Judge DiFiore including to fabricate fictitious court documents for Judge DiFiore’s use with the press.

This complaint concerns an unauthorized agreement between Respondent Roberts Jr., and the Hon. Robert Allen Katzmann, Chief Judge of the US Court of Appeals for the Second Circuit, to conceal the evidence contains in the complaint, deny the Complainant an appeal and thus prevent the evidence contained in the DRE Cases to be heard by a federal jury.

This complaint also deals with Respondent Roberts Jr. unauthorized agreements to allow Judge DiFiore to perpetrate unauthorized, unnoticed rule making at the Administrative Board of the Courts under the cover of the DRE. This include allowing the Chief of New York County District Attorney’s Domestic Violence Unit Lawrence Newman to collude with Adetokunbo O. Fasanya, a magistrate in New York State’s limited jurisdiction, inferior New York County Family Court, and Emilie Marie Bosak to fabricated false criminal charges and fee invoices against the Complainant. These has caused serious harm to the Complaint his daughter, Eva Asensio.

I swear on this the 13th day of September 2019 under oath that the above statements are complete, true, and correct to the best of my knowledge and that I have fairly considered all the facts, factors, and circumstances related to any statement I have made herein based on information and belief.

I do so swear:

Manuel P. Asensio

Manuel P. Asensio
Complainant

17. “The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg.” Thomas Jefferson, Notes on the State of Virginia. Query XVII. Published in English in London in 1787. Published anonymously in Paris in 1785.